

# SOUTHERN ENVIRONMENTAL LAW CENTER

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August 19, 2020

**Via Electronic Filing**

Ms. Jocelyn C. Boyd  
Chief Clerk/Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive, Suite 100  
Columbia, South Carolina 29210

**In Re: Docket 2005-83-A: Virtual Forum Regarding Procedural Schedules in Annual Fuel Proceedings**

Dear Ms. Boyd,

Pursuant to the Notice of Virtual Forum issued in the above-referenced docket, the Southern Alliance for Clean Energy ("SACE") and South Carolina Coastal Conservation League ("CCL") respectfully submit these comments regarding the procedural schedules in annual fuel proceedings, and notify the Commission that they wish to participate in the August 25, 2020 virtual forum, through undersigned counsel.

SACE and CCL continue to be concerned about the short timeframe between the utilities' direct testimony deadline and the deadline for intervenors' direct testimony in annual fuel proceedings. In the most recent Duke Energy Progress ("DEP") fuel proceeding, for instance, DEP filed its testimony on April 27, 2020, with the deadline for other parties' direct testimony a mere 21 days later, on May 18, 2020. A similarly tight timeline is in effect for the Duke Energy Carolinas fuel proceeding underway in Docket No. 2020-3-E.

Under the Rules of Practice and Procedure, parties have twenty days to respond to Requests for Production of Documents. As such, the current fuel proceeding deadlines deprive intervenors of time to review utility direct testimony, file discovery requests, and incorporate utility responses into testimony, and no time whatsoever for follow-up or clarification requests based upon utility responses.

For comparison, in North Carolina, the time between initial utility filings and intervenor testimony is well over two months.<sup>1</sup> Georgia allows 45 days between the filing of utilities' direct testimony and the deadline for intervenors' direct testimony.

Consequently, SACE and CCL recommend that petitions to intervene be due approximately 15 days after the utilities' direct testimony is filed, and intervenor testimony be due 30 days following the deadline for petitions to intervene. This would allow more time for discovery and settlement discussions. In any event,

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<sup>1</sup> See Scheduling Order in Duke Energy Carolinas Fuel Proceeding, NCUC Docket E-7 Sub 1228, <https://starw1.ncuc.net/NCUC/ViewFile.aspx?Id=c56f29c5-0ef3-4576-b44a-0ccc0a87e4c7> (83 days between the filing of utility direct testimony and intervenor direct testimony); Scheduling Order in DEP Fuel Proceeding, NCUC Docket E-2 Sub 1250, <https://starw1.ncuc.net/NCUC/ViewFile.aspx?Id=f9d3fbd0-cefc-4518-b8fe-e6044c29c985> (77 days).

the Commission should allow a minimum of 45 days between the filing of utility direct testimony and intervenors' direct testimony.

Thank you again for the opportunity to provide input.

Respectfully,

/s/Katherine Lee  
Katherine Lee

STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION  
DOCKET NO. 2005-83-A

In the Matter of: )

Public Service Commission of South )

Carolina - Administrative and )

Procedural Matters )

CERTIFICATE OF SERVICE

I certify that the following persons have been served with one (1) copy of this firm's Comments on behalf of the South Carolina Coastal Conservation League and the Southern Alliance for Clean Energy by electronic mail and/or U.S. First Class Mail at the addresses set forth below:

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August 19, 2020

/s/ Emily E. Selden